

Amendment No. 404

Senate Amendment to Senate Bill No. 336	(BDR 54-886)
Proposed by: Senate Committee on Commerce and Labor	
Amends: Summary: No Title: Yes Preamble: No Joint Sponsorship: No Digest: Yes	

Adoption of this amendment will ADD a 2/3s majority vote requirement for final passage of S.B. 336 (§§ 5.1, 5.5, 5.9 & NRS 453.221, 453.226 and 639.170).

ASSEMBLY ACTION			Initial and Date	SENATE ACTION			Initial and Date		
Adopted	<input type="checkbox"/>	Lost	<input type="checkbox"/>	_____	Adopted	<input type="checkbox"/>	Lost	<input type="checkbox"/>	_____
Concurred In	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____	Concurred In	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____
Receded	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____	Receded	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____

EXPLANATION: Matter in (1) *blue bold italics* is new language in the original bill; (2) variations of green bold underlining is language proposed to be added in this amendment; (3) ~~red-strikethrough~~ is deleted language in the original bill; (4) ~~purple double strikethrough~~ is language proposed to be deleted in this amendment; (5) orange double underlining is deleted language in the original bill proposed to be retained in this amendment.

DAN/EWR



Date: 4/24/2023

S.B. No. 336—Revises provisions relating to the regulation of certain healing arts.
(BDR 54-886)



SENATE BILL NO. 336—SENATOR OHRENSCHALL

MARCH 20, 2023

Referred to Committee on Commerce and Labor

SUMMARY—Revises provisions relating to the regulation of certain healing arts.
(BDR 54-886)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: No.

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EXPLANATION – Matter in ***bolded italics*** is new; matter between brackets ~~omitted material~~ is material to be omitted.

AN ACT relating to health care; exempting certain conduct of certain practitioners of healing arts practicing within their authorized scope of authority from provisions governing certain practitioners of other healing arts; **enacting provisions governing the certification and regulation of certified registered nurse anesthetists; authorizing a certified registered nurse anesthetist to order, prescribe, possess and administer controlled substances, poisons, dangerous drugs and devices under certain circumstances;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes a physician, physician assistant, dentist, advanced practice registered nurse, podiatric physician or optometrist to prescribe and dispense controlled substances and dangerous drugs under certain circumstances. (NRS 453.226, 454.215, 639.235) Existing law provides that provisions of existing law governing the practice of physicians, physician assistants, perfusionists and practitioners of respiratory care do not apply to any person permitted to practice any other healing art under title 54 of NRS who does so within the scope of that authority. (NRS 630.047) **Sections ~~1-5~~ 1, 2, 2 and 3-5** of this bill provide similar exemptions from provisions governing dentists, nurses, osteopathic physicians and physician assistants, podiatrists and optometrists for practitioners of healing arts who are acting within the scope of their authority. **Section 6** of this bill provides that the provisions of **sections ~~1-5~~ 1, 2, 2 and 3-5** apply to any conduct by a practitioner of a healing art before, on or after the effective date of this bill which has not been the subject of a final order from the Board of Dental Examiners of Nevada, the State Board of Nursing, the State Board of Osteopathic Medicine, the State Board of Podiatry or the Nevada State Board of Optometry. **Section 6** also requires those boards to terminate any investigation or disciplinary proceedings for conduct that is outside the scope of those boards.

Existing law: (1) provides for the certification of certified registered nurse anesthetists by the State Board of Nursing; and (2) authorizes a certified registered nurse anesthetist to administer anesthetic agents to a person under the care of a licensed physician, dentist or podiatric physician. (NRS 632.014) Section 2.4 of this bill requires the State Board of Nursing to issue a certificate of registration to practice as a certified registered nurse anesthetist to a registered nurse who meets the requirements prescribed by existing law for such certification and any additional requirements prescribed by the

Board. Section 2.4 also requires the Board to adopt regulations governing certified registered nurse anesthetists.

Existing law authorizes a registered nurse to possess and administer controlled substances and dangerous drugs under certain circumstances. (NRS 453.375, 454.213) Sections 2.6, 5.1, 5.5 and 5.9 of this bill additionally authorize a certified registered nurse anesthetist to order, prescribe, possess and administer controlled substances, poisons, dangerous drugs and devices to treat a person under the care of a licensed physician in a critical access hospital before, during and after surgery or childbirth. Sections 5.2-5.4 and 5.6-5.85 of this bill make additional changes necessary to authorize a certified registered nurse anesthetist to order, prescribe, possess and administer controlled substances, poisons, dangerous drugs and devices in such circumstances. A certified registered nurse anesthetist who unlawfully possesses, prescribes or administers a controlled substance, dangerous drug or poison would be subject to discipline and criminal and civil penalties to the same extent as other practitioners who unlawfully possess, prescribe or administer such drugs. (NRS 453.236, 453.305, 453.326, 453.3363, 453.553, 454.170, 454.356)

Section 2.8 of this bill makes a conforming change to remove a provision now duplicated in section 2.4.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 631.115 is hereby amended to read as follows:

631.115 *1.* Except as otherwise provided in subsection 2 of NRS 631.317, this chapter does not apply to:

~~(1)~~ *(a)* A legally qualified physician or surgeon unless he or she practices dentistry as a specialty.

~~(2)~~ *(b)* A dentist, dental hygienist or dental therapist of the United States Army, Navy, Air Force, Public Health Service, Coast Guard or Department of Veterans Affairs in the discharge of his or her official duties, including, without limitation, providing medical care in a hospital in accordance with an agreement entered into pursuant to NRS 449.2455.

(c) Any person permitted to practice any other healing art under this title who does so within the scope of that authority.

2. As used in this section, "healing art" has the meaning ascribed to it in NRS 630.0122.

Sec. 2. Chapter 632 of NRS is hereby amended by adding thereto ~~a new section to read as follows:~~ the provisions set forth as section 2.2, 2.4 and 2.6 of this act.

Sec. 2.2. 1. Except as otherwise provided in NRS 632.472, this chapter does not apply to any person permitted to practice any other healing art under this title who does so within the scope of that authority.

2. As used in this section, "healing art" has the meaning ascribed to it in NRS 630.0122.

Sec. 2.4. 1. The Board shall issue a certificate of registration to practice as a certified registered nurse anesthetist to an applicant who:

(a) Has successfully completed a nationally accredited program in the science of anesthesia; and

(b) Meets any additional requirements prescribed by the Board pursuant to subsection 2.

2. The Board shall adopt regulations to carry out the provisions of this section and section 2.6 of this act, including, without limitation, regulations:

(a) Specifying any additional training, education and experience necessary for certification as a certified registered nurse anesthetist;

(b) Delineating the authorized scope of practice of a certified registered nurse anesthetist; and

(c) Establishing the procedure to apply for certification as a certified registered nurse anesthetist.

Sec. 2.6. 1. A certified registered nurse anesthetist may:

(a) Order, prescribe, possess and administer controlled substances, poisons, dangerous drugs and devices to treat a patient under the care of a licensed physician in a critical access hospital in preparation for surgery or childbirth, during surgery or childbirth and while a patient recovers from surgery or childbirth.

(b) Possess and administer controlled substances, poisons, dangerous drugs and devices in other circumstances under which a registered nurse is authorized to possess and administer controlled substances, poisons, dangerous drugs and devices.

2. A certified registered nurse anesthetist shall not order or prescribe a controlled substance, poison, dangerous drug or device except as authorized by paragraph (a) of subsection 1.

3. As used in this section, "critical access hospital" means a hospital which has been certified as a critical access hospital by the Secretary of Health and Human Services pursuant to 42 U.S.C. 1395i-4(e).

Sec. 2.8. NRS 632.014 is hereby amended to read as follows:

632.014 "Certified registered nurse anesthetist" means a registered nurse who

~~1. Has completed a nationally accredited program in the science of anesthesia; and~~

~~2. Is~~ is certified by the Board pursuant to section 2.4 of this act to administer anesthetic agents to a person under the care of a licensed physician, a licensed dentist or a licensed podiatric physician.

Sec. 3. NRS 633.171 is hereby amended to read as follows:

633.171 1. This chapter does not apply to:

(a) The practice of medicine or perfusion pursuant to chapter 630 of NRS, dentistry, chiropractic, podiatry, optometry, respiratory care, faith or Christian Science healing, nursing, veterinary medicine or fitting hearing aids.

(b) A medical officer of the Armed Forces or a medical officer of any division or department of the United States in the discharge of his or her official duties, including, without limitation, providing medical care in a hospital in accordance with an agreement entered into pursuant to NRS 449.2455.

(c) Osteopathic physicians who are called into this State, other than on a regular basis, for consultation or assistance to a physician licensed in this State, and who are legally qualified to practice in the state where they reside.

(d) Osteopathic physicians who are temporarily exempt from licensure pursuant to NRS 633.420 and are practicing osteopathic medicine within the scope of the exemption.

(e) The performance of medical services by a student enrolled in an educational program for a physician assistant which is accredited by the Accreditation Review Commission on Education for the Physician Assistant, Inc., or its successor organization, as part of such a program.

(f) A physician assistant of any division or department of the United States in the discharge of his or her official duties unless licensure by a state is required by the division or department of the United States.

1 *(g) Any person permitted to practice any other healing art under this title*
2 *who does so within the scope of that authority.*

3 2. This chapter does not repeal or affect any law of this State regulating or
4 affecting any other healing art.

5 3. This chapter does not prohibit:

6 (a) Gratuitous services of a person in cases of emergency.

7 (b) The domestic administration of family remedies.

8 **Sec. 4.** NRS 635.015 is hereby amended to read as follows:

9 635.015 1. This chapter does not apply:

10 (a) To commissioned surgeons of the United States Army, Navy or Marine
11 Hospital Service in the actual performance of their official duties, including,
12 without limitation, providing medical care in a hospital in accordance with an
13 agreement entered into pursuant to NRS 449.2455.

14 (b) To physicians licensed in the State of Nevada.

15 *(c) To any person permitted to practice any other healing art under this title*
16 *who does so within the scope of that authority.*

17 2. This chapter does not prohibit the manufacture, recommendation,
18 advertisement, demonstration or sale of arch-support shoes, foot appliances or
19 remedies by retail dealers.

20 3. *As used in this section, "healing art" has the meaning ascribed to it in*
21 *NRS 630.0122.*

22 **Sec. 5.** NRS 636.027 is hereby amended to read as follows:

23 636.027 This chapter:

24 1. Applies to any person who is licensed to practice optometry pursuant to
25 this chapter and any other person engaged in the practice of optometry in this State.

26 2. Must not be construed to apply to ~~[physicians]~~ :

27 (a) *Physicians* and surgeons duly licensed to practice in this State.

28 (b) *Any person permitted to practice any other healing art under this title*
29 *who does so within the scope of that authority.*

30 3. *As used in this section, "healing art" has the meaning ascribed to it in*
31 *NRS 630.0122.*

32 **Sec. 5.I.** NRS 639.0125 is hereby amended to read as follows:

33 639.0125 "Practitioner" means:

34 1. A physician, dentist, veterinarian or podiatric physician who holds a license
35 to practice his or her profession in this State;

36 2. A hospital, pharmacy or other institution licensed, registered or otherwise
37 permitted to distribute, dispense, conduct research with respect to or administer
38 drugs in the course of professional practice or research in this State;

39 3. An advanced practice registered nurse who has been authorized to
40 prescribe controlled substances, poisons, dangerous drugs and devices;

41 4. A physician assistant who:

42 (a) Holds a license issued by the Board of Medical Examiners; and

43 (b) Is authorized by the Board to possess, administer, prescribe or dispense
44 controlled substances, poisons, dangerous drugs or devices under the supervision of
45 a physician as required by chapter 630 of NRS;

46 5. A physician assistant who:

47 (a) Holds a license issued by the State Board of Osteopathic Medicine; and

48 (b) Is authorized by the Board to possess, administer, prescribe or dispense
49 controlled substances, poisons, dangerous drugs or devices under the supervision of
50 an osteopathic physician as required by chapter 633 of NRS; or

51 6. An optometrist who is certified by the Nevada State Board of Optometry to
52 prescribe and administer pharmaceutical agents pursuant to NRS 636.288, when the

1 optometrist prescribes or administers pharmaceutical agents within the scope of his
2 or her certification.

3 7. A certified registered nurse anesthetist when he or she orders, prescribes,
4 possesses or administers controlled substances, poisons, dangerous drugs or
5 devices under the conditions prescribed by paragraph (a) of subsection 1 of
6 section 2.6 of this act.

7 Sec. 5.2. Chapter 453 of NRS is hereby amended by adding thereto a
8 new section to read as follows:

9 “Certified registered nurse anesthetist” has the meaning ascribed to it in NRS
10 632.014.

11 Sec. 5.25. NRS 453.016 is hereby amended to read as follows:

12 453.016 As used in this chapter, the words and terms defined in NRS 453.021
13 to 453.141, inclusive, and section 5.2 of this act have the meanings ascribed to
14 them in those sections except in instances where the context clearly indicates a
15 different meaning.

16 Sec. 5.3. NRS 453.038 is hereby amended to read as follows:

17 453.038 “Chart order” means an order entered on the chart of a patient:

18 1. In a hospital, facility for intermediate care or facility for skilled nursing
19 which is licensed as such by the Division of Public and Behavioral Health of the
20 Department; or

21 2. Under emergency treatment in a hospital by a physician, advanced practice
22 registered nurse, certified registered nurse anesthetist, dentist or podiatric
23 physician, or on the written or oral order of a physician, physician assistant licensed
24 pursuant to chapter 630 or 633 of NRS, advanced practice registered nurse,
25 certified registered nurse anesthetist, dentist or podiatric physician authorizing the
26 administration of a drug to the patient.

27 Sec. 5.4. NRS 453.091 is hereby amended to read as follows:

28 453.091 1. “Manufacture” means the production, preparation, propagation,
29 compounding, conversion or processing of a substance, either directly or indirectly
30 by extraction from substances of natural origin, or independently by means of
31 chemical synthesis, or by a combination of extraction and chemical synthesis, and
32 includes any packaging or repackaging of the substance or labeling or relabeling of
33 its container.

34 2. “Manufacture” does not include the preparation, compounding, packaging
35 or labeling of a substance by a pharmacist, physician, physician assistant licensed
36 pursuant to chapter 630 or 633 of NRS, dentist, podiatric physician, advanced
37 practice registered nurse, certified registered nurse anesthetist or veterinarian:

38 (a) As an incident to the administering or dispensing of a substance in the
39 course of his or her professional practice; or

40 (b) By an authorized agent under his or her supervision, for the purpose of, or
41 as an incident to, research, teaching or chemical analysis and not for sale.

42 Sec. 5.5. NRS 453.126 is hereby amended to read as follows:

43 453.126 “Practitioner” means:

44 1. A physician, dentist, veterinarian or podiatric physician who holds a license
45 to practice his or her profession in this State and is registered pursuant to this
46 chapter.

47 2. An advanced practice registered nurse who holds a certificate from the
48 State Board of Pharmacy authorizing him or her to dispense or to prescribe and
49 dispense controlled substances.

50 3. A scientific investigator or a pharmacy, hospital or other institution
51 licensed, registered or otherwise authorized in this State to distribute, dispense,
52 conduct research with respect to, to administer, or use in teaching or chemical
53 analysis, a controlled substance in the course of professional practice or research.

4. A euthanasia technician who is licensed by the Nevada State Board of Veterinary Medical Examiners and registered pursuant to this chapter, while he or she possesses or administers sodium pentobarbital pursuant to his or her license and registration.

5. A physician assistant who:

(a) Holds a license from the Board of Medical Examiners; and

(b) Is authorized by the Board to possess, administer, prescribe or dispense controlled substances under the supervision of a physician as required by chapter 630 of NRS.

6. A physician assistant who:

(a) Holds a license from the State Board of Osteopathic Medicine; and

(b) Is authorized by the Board to possess, administer, prescribe or dispense controlled substances under the supervision of an osteopathic physician as required by chapter 633 of NRS.

7. An optometrist who is certified by the Nevada State Board of Optometry to prescribe and administer pharmaceutical agents pursuant to NRS 636.288, when the optometrist prescribes or administers pharmaceutical agents within the scope of his or her certification.

8. A certified registered nurse anesthetist when he or she orders, prescribes, possesses or administers controlled substances under the conditions prescribed by paragraph (a) of subsection 1 of section 2.6 of this act.

Sec. 5.6. NRS 453.128 is hereby amended to read as follows:

453.128 1. "Prescription" means:

(a) An order given individually for the person for whom prescribed, directly from a physician, physician assistant licensed pursuant to chapter 630 or 633 of NRS, dentist, podiatric physician, optometrist, advanced practice registered nurse, certified registered nurse anesthetist or veterinarian, or his or her agent, to a pharmacist or indirectly by means of an order signed by the practitioner or an electronic transmission from the practitioner to a pharmacist; or

(b) A chart order written for an inpatient specifying drugs which he or she is to take home upon his or her discharge.

2. The term does not include a chart order written for an inpatient for use while he or she is an inpatient.

Sec. 5.7. NRS 453.226 is hereby amended to read as follows:

453.226 1. Every practitioner or other person who dispenses any controlled substance within this State or who proposes to engage in the dispensing of any controlled substance within this State shall obtain biennially a registration issued by the Board in accordance with its regulations. A person must present proof that he or she is authorized to access the database of the program established pursuant to NRS 453.162 before the Board may issue or renew a registration.

2. A person registered by the Board in accordance with the provisions of NRS 453.011 to 453.552, inclusive, and section 5.2 of this act to dispense or conduct research with controlled substances may possess, dispense or conduct research with those substances to the extent authorized by the registration and in conformity with the other provisions of those sections.

3. The following persons are not required to register and may lawfully possess and distribute controlled substances pursuant to the provisions of NRS 453.011 to 453.552, inclusive, and section 5.2 of this act:

(a) An agent or employee of a registered dispenser of a controlled substance if he or she is acting in the usual course of his or her business or employment;

(b) A common or contract carrier or warehouseman, or an employee thereof, whose possession of any controlled substance is in the usual course of business or employment;

(c) An ultimate user or a person in possession of any controlled substance pursuant to a lawful order of a physician, physician assistant licensed pursuant to chapter 630 or 633 of NRS, dentist, advanced practice registered nurse, certified registered nurse anesthetist, podiatric physician or veterinarian or in lawful possession of a schedule V substance; or

(d) A physician who:

(1) Holds a locum tenens license issued by the Board of Medical Examiners or a temporary license issued by the State Board of Osteopathic Medicine; and

(2) Is registered with the Drug Enforcement Administration at a location outside this State.

4. The Board may waive the requirement for registration of certain dispensers if it finds it consistent with the public health and safety.

5. A separate registration is required at each principal place of business or professional practice where the applicant dispenses controlled substances.

6. The Board may inspect the establishment of a registrant or applicant for registration in accordance with the Board's regulations.

Sec. 5.75. NRS 453.336 is hereby amended to read as follows:

453.336 1. Except as otherwise provided in subsection 6, a person shall not knowingly or intentionally possess a controlled substance, unless the substance was obtained directly from, or pursuant to, a prescription or order of a physician, physician assistant licensed pursuant to chapter 630 or 633 of NRS, dentist, podiatric physician, optometrist, advanced practice registered nurse, certified registered nurse anesthetist or veterinarian while acting in the course of his or her professional practice, or except as otherwise authorized by the provisions of NRS 453.005 to 453.552, inclusive, and section 5.2 of this act.

2. Except as otherwise provided in subsections 3, 4 and 5 and in NRS 453.3363, and unless a greater penalty is provided in NRS 212.160, 453.3385 or 453.339, a person who violates this section:

(a) For a first or second offense, if the controlled substance is listed in schedule I or II and the quantity possessed is less than 14 grams, or if the controlled substance is listed in schedule III, IV or V and the quantity possessed is less than 28 grams, is guilty of possession of a controlled substance and shall be punished for a category E felony as provided in NRS 193.130. In accordance with NRS 176.211, the court shall defer judgment upon the consent of the person.

(b) For a third or subsequent offense, if the controlled substance is listed in schedule I or II and the quantity possessed is less than 14 grams, or if the controlled substance is listed in schedule III, IV or V and the quantity possessed is less than 28 grams, or if the offender has previously been convicted two or more times in the aggregate of any violation of the law of the United States or of any state, territory or district relating to a controlled substance, is guilty of possession of a controlled substance and shall be punished for a category D felony as provided in NRS 193.130, and may be further punished by a fine of not more than \$20,000.

(c) If the controlled substance is listed in schedule I or II and the quantity possessed is 14 grams or more, but less than 28 grams, or if the controlled substance is listed in schedule III, IV or V and the quantity possessed is 28 grams or more, but less than 200 grams, is guilty of low-level possession of a controlled substance and shall be punished for a category C felony as provided in NRS 193.130.

(d) If the controlled substance is listed in schedule I or II and the quantity possessed is 28 grams or more, but less than 42 grams, or if the controlled substance is listed in schedule III, IV or V and the quantity possessed is 200 grams or more, is guilty of mid-level possession of a controlled substance and shall be

1 punished for a category B felony by imprisonment in the state prison for a
2 minimum term of not less than 1 year and a maximum term of not more than 10
3 years and by a fine of not more than \$50,000.

4 (e) If the controlled substance is listed in schedule I or II and the quantity
5 possessed is 42 grams or more, but less than 100 grams, is guilty of high-level
6 possession of a controlled substance and shall be punished for a category B felony
7 by imprisonment in the state prison for a minimum term of not less than 2 years and
8 a maximum term of not more than 15 years and by a fine of not more than \$50,000.

9 3. Unless a greater penalty is provided in NRS 212.160, 453.337 or 453.3385,
10 a person who is convicted of the possession of flunitrazepam or gamma-
11 hydroxybutyrate, or any substance for which flunitrazepam or gamma-
12 hydroxybutyrate is an immediate precursor, is guilty of a category B felony and
13 shall be punished by imprisonment in the state prison for a minimum term of not
14 less than 1 year and a maximum term of not more than 6 years.

15 4. Unless a greater penalty is provided pursuant to NRS 212.160, a person
16 who is convicted of the possession of 1 ounce or less of marijuana is guilty of a
17 misdemeanor and shall be punished by:

18 (a) Performing not more than 24 hours of community service;

19 (b) Attending the live meeting described in paragraph (a) of subsection 2 of
20 NRS 484C.530 and complying with any other requirements set forth in that section;
21 or

22 (c) Being required to undergo an evaluation in accordance with subsection 1 of
23 NRS 484C.350,

24 ➤ or any combination thereof.

25 5. Unless a greater penalty is provided pursuant to NRS 212.160, a person
26 who is convicted of the possession of more than 1 ounce, but less than 50 pounds,
27 of marijuana or more than one-eighth of an ounce, but less than one pound, of
28 concentrated cannabis is guilty of a category E felony and shall be punished as
29 provided in NRS 193.130.

30 6. It is not a violation of this section if a person possesses a trace amount of a
31 controlled substance and that trace amount is in or on a hypodermic device obtained
32 from a sterile hypodermic device program pursuant to NRS 439.985 to 439.994,
33 inclusive.

34 7. The court may grant probation to or suspend the sentence of a person
35 convicted of violating this section.

36 8. If a person fulfills the terms and conditions imposed for a violation of
37 subsection 4, the court shall, without a hearing, order sealed all documents, papers
38 and exhibits in that person's record, minute book entries and entries on dockets, and
39 other documents relating to the case in the custody of such other agencies and
40 officers as are named in the court's order. The court shall cause a copy of the order
41 to be sent to each agency or officer named in the order. Each such agency or officer
42 shall notify the court in writing of its compliance with the order.

43 9. As used in this section:

44 (a) "Controlled substance" includes flunitrazepam, gamma-hydroxybutyrate
45 and each substance for which flunitrazepam or gamma-hydroxybutyrate is an
46 immediate precursor.

47 (b) "Marijuana" does not include concentrated cannabis.

48 (c) "Sterile hypodermic device program" has the meaning ascribed to it in NRS
49 439.986.

50 **Sec. 5.8. NRS 453.381 is hereby amended to read as follows:**

51 453.381 1. In addition to the limitations imposed by NRS 453.256 and
52 453.3611 to 453.3648, inclusive, a physician, physician assistant, dentist, advanced
53 practice registered nurse , certified registered nurse anesthetist or podiatric

1 physician may prescribe or administer controlled substances only for a legitimate
2 medical purpose and in the usual course of his or her professional practice, and he
3 or she shall not prescribe, administer or dispense a controlled substance listed in
4 schedule II for himself or herself, his or her spouse or his or her children except in
5 cases of emergency.

6 2. A veterinarian, in the course of his or her professional practice only, and
7 not for use by a human being, may prescribe, possess and administer controlled
8 substances, and the veterinarian may cause them to be administered by a veterinary
9 technician under the direction and supervision of the veterinarian.

10 3. A euthanasia technician, within the scope of his or her license, and not for
11 use by a human being, may possess and administer sodium pentobarbital.

12 4. A pharmacist shall not fill an order which purports to be a prescription if
13 the pharmacist has reason to believe that it was not issued in the usual course of the
14 professional practice of a physician, physician assistant, dentist, advanced practice
15 registered nurse, certified registered nurse anesthetist, podiatric physician or
16 veterinarian.

17 5. Any person who has obtained from a physician, physician assistant, dentist,
18 advanced practice registered nurse, certified registered nurse anesthetist, podiatric
19 physician or veterinarian any controlled substance for administration to a patient
20 during the absence of the physician, physician assistant, dentist, advanced practice
21 registered nurse, certified registered nurse anesthetist, podiatric physician or
22 veterinarian shall return to him or her any unused portion of the substance when it
23 is no longer required by the patient.

24 6. A manufacturer, wholesale supplier or other person legally able to furnish
25 or sell any controlled substance listed in schedule II shall not provide samples of
26 such a controlled substance to registrants.

27 7. A salesperson of any manufacturer or wholesaler of pharmaceuticals shall
28 not possess, transport or furnish any controlled substance listed in schedule II.

29 8. A person shall not dispense a controlled substance in violation of a
30 regulation adopted by the Board.

31 **Sec. 5.85. NRS 453.391 is hereby amended to read as follows:**

32 453.391 A person shall not:

33 1. Unlawfully take, obtain or attempt to take or obtain a controlled substance
34 or a prescription for a controlled substance from a manufacturer, wholesaler,
35 pharmacist, physician, physician assistant, dentist, advanced practice registered
36 nurse, certified registered nurse anesthetist, veterinarian or any other person
37 authorized to administer, dispense or possess controlled substances.

38 2. While undergoing treatment and being supplied with any controlled
39 substance or a prescription for any controlled substance from one practitioner,
40 knowingly obtain any controlled substance or a prescription for a controlled
41 substance from another practitioner without disclosing this fact to the second
42 practitioner.

43 **Sec. 5.9. NRS 454.00958 is hereby amended to read as follows:**

44 454.00958 "Practitioner" means:

45 1. A physician, dentist, veterinarian or podiatric physician who holds a valid
46 license to practice his or her profession in this State.

47 2. A pharmacy, hospital or other institution licensed or registered to
48 distribute, dispense, conduct research with respect to or to administer a dangerous
49 drug in the course of professional practice in this State.

50 3. When relating to the prescription of poisons, dangerous drugs and devices:

51 (a) An advanced practice registered nurse who holds a certificate from the
52 State Board of Pharmacy permitting him or her so to prescribe; or

1 (b) A physician assistant who holds a license from the Board of Medical
2 Examiners and a certificate from the State Board of Pharmacy permitting him or
3 her so to prescribe.

4 4. An optometrist who is certified to prescribe and administer pharmaceutical
5 agents pursuant to NRS 636.288 when the optometrist prescribes or administers
6 dangerous drugs which are within the scope of his or her certification.

7 5. A certified registered nurse anesthetist when he or she orders, prescribes,
8 possesses or administers poisons, dangerous drugs or devices under the
9 conditions prescribed by paragraph (a) of subsection 1 of section 2.6 of this act.

10 **Sec. 6.** 1. The provisions of NRS 631.115, 633.171, 635.015 and 636.027,
11 as amended by sections 1, 3, 4 and 5 of this act, respectively, and section ~~2.2~~ 2.2 of
12 this act apply to any conduct that:

13 (a) Occurred before, on or after the effective date of this act; and

14 (b) Has not been the subject of a final order of a regulatory body.

15 2. A regulatory body shall terminate any investigation or disciplinary
16 proceedings:

17 (a) Against a person permitted to practice any healing art under title 54 of NRS
18 for conduct outside the scope of the regulatory body; or

19 (b) Which are otherwise inconsistent with the amendatory provisions of this
20 act.

21 3. As used in this section:

22 (a) "Healing art" has the meaning ascribed to it in NRS 630.0122.

23 (b) "Regulatory body" means the Board of Dental Examiners of Nevada, the
24 State Board of Nursing, the State Board of Osteopathic Medicine, the State Board
25 of Podiatry and the Nevada State Board of Optometry.

26 **Sec. 7.** 1. This ~~act becomes~~ section and sections 1, 2, 2.2, 3, 4 and 5 of
27 this act become effective upon passage and approval.

28 2. Sections 2.4, 2.6, 2.8 and 5.1 to 5.9, inclusive, of this act become
29 effective;

30 (a) Upon passage and approval for the purpose of adopting any
31 regulations and performing any other preparatory administrative tasks that
32 are necessary to carry out the provisions of this act; and

33 (b) On January 1, 2024, for all other purposes.